Legislative Assembly.

Wednesday, 14th November, 1906.

THE SPEAKER took the Chair at 4·30 o'clock p.m.

PRAYERS.

LOAN BILL—HOW PUBLISHED PREMATURELY IN A NEWSPAPER.

THE TREASURER (Hon. Frank Wilson): By permission of the House and before the ordinary business is proceeded with, I wish to draw attention to what may appear an act of discourtesy to members. The Loan Bill, of which I moved the first reading yesterday, has this morning been published *in extenso* in the *Morning Herald* newspaper. Of course I recognise it has always been the custom that the House is entitled to peruse copies of Bills, especially Bills of this description, before they are published in any form. I wish to explain that yesterday afternoon a representative of the *West Australian* rang me up, and asked me whether I could favour him with a copy of this measure. I said I could not give him a copy until the House first had the measure before it, and that would be on the second reading. Yesterday, after the House passed the first reading of the Bill, I received a communication from a representative of the *Morning Herald*, asking me to oblige him with a copy of the Bill, together with copies of the Excess Bills which have also been read a first time. I gave the same reply to the *Herald* representative, explaining that my first duty was to the House, that the Bill must be distributed amongst members before it could be handed to him for publication, and that the distribution would not take place until the second reading. To my surprise, I found this morning that the complete text of the Loan Bill appeared in the *Morning Herald*. So far as time permitted I have made full inquiries to ascertain how this information reached the paper, but so far I have not made any discovery. I am given to understand that two copies, and two copies only, came to the Treasury from the Government Printing Office. Those two copies are and have been in my possession all along, and being in my bag, never left my keeping. One is attached to the Governor's Message, and from the other I read out the title of the Bill in moving yesterday for leave to introduce. The other copy also is in my bag. The Government Printer declares that no copies other than those sent to this House in a sealed package have passed out of his keeping. In due course the package reached this House, and the Chief Messenger, Mr. Greening, declares that the package was never opened till early this morning, when he opened it, thinking that the copies of the Bill would be required for distribution this afternoon. The strings were then unbroken, so apparently a copy could not have been abstracted from the package. Nevertheless a copy reached the *Morning Herald* office. On inquiry being made at that office, the only reply was that the copy was received from a private member of this House, and sent down to the newspaper office at about half-past 12 a.m. to-day. That may or may not be true.

MR. TAYLOR: How did the private member get hold of it?

THE TREASURER: Exactly; I should like to find out.

MR. DAGLISH: On which side of the House does he sit?

THE TREASURER: I do not know. That is the explanation received from the newspaper office. My object in calling attention to this matter is first to let the House understand clearly that I have not been guilty of any discourtesy to hon. members. The information was not given in the ordinary course to the Press, for I did not consider myself entitled to give it. But I wish also to call attention to what I consider, to say the least, un-

seemly conduct on the part of that newspaper in asking a Minister for a certain Bill, meeting with a refusal for stated reasons, and then, no matter how the newspaper became possessed of a copy of the Bill, publishing it without authority. I do not think those who adopted that course showed the House that courtesy which we expect from a newspaper.

MR. DAGLISH: That is journalistic enterprise.

THE TREASURER: Yes, very smart journalistic enterprise; but enterprise of that sort is not likely to confirm the confidence of Ministers and other members of Parliament in the Press. As a consequence, we shall have to be very careful in the future about giving information to a representative of the Press who uses it in that fashion. Of course, the *Morning Herald* may say it is entitled to use information procured no matter how; but I maintain that after once approaching the Government and receiving a reply that the House was first entitled to the information, the *Herald* should not have published the information without the sanction of someone in authority.

MR. TAYLOR: Do you suggest any punishment?

THE TREASURER: If I could find out how the copy of the Bill was abstracted—

MR. TAYLOR: I do not wish to deal with the member, but with the Press.

THE TREASURER: I should like to suggest a punishment; and once I get to the bottom of the affair, members may rest assured some action will be taken.

MR. BOLTON: You purpose making farther inquiries?

THE TREASURER: Certainly; I purpose probing the matter to the bottom or as far as I am able. If any member of this Chamber knows anything of the matter, I think it is due to the Government and the House that he should give us the benefit of his knowledge.

MR. T. H. BATH (Brown Hill): I can but re-echo the statement of the Treasurer, regretting that information of this kind, which is due first to members of this House at the second-reading stage, should have been allowed to fritter out in this fashion, and be published in the Press before members of the House are conversant with it. And judging by the Treasurer's statement as to the care taken of copies of Bills issued from the Printing Office, it seems to me the Treasurer will need some higher detective skill than he has hitherto displayed, if he desires to obtain any definite information. He will have to invoke the aid of some Sherlock Holmes to clear up this mystery. If we may judge by the information published in the Press, Ministers show every courtesy to newspapers, and give them at the proper time all available information about matters political and about the work of this House; hence the attainment of information in this surreptitious fashion is certainly taking an unfair advantage, and regret must be expressed that the Press can descend to securing it by such means. I say that apart from the newspaper in question most of the blame is attachable to the member, if it was a member, who supplied the information and supplied the copy of the Bill. He, more than anyone else, deserves the censure of the House; and if his name can be ascertained, the House should take cognisance of the matter, and some appropriate censure should be meted out to the member.

MR. DAGLISH: Strike out his item.

QUESTION—MINES REGULATION ACT.

AS TO AMENDMENT.

MR. HUDSON asked the Minister for Mines: 1, Has his attention been drawn to the judgments delivered by the Federal High Court last Monday in cases relating to the Mines Regulation Act, namely Ivanhoe Gold Corporation Ltd. *v.* Symonds, and the London and Western Australian Exploration Co. Ltd. *v.* Ricco? 2, If so, is it his intention to introduce amendments to the Act to give better security for the lives and bodies of miners; and if so, when?

THE MINISTER FOR MINES replied: There has been no time since the previous sitting to obtain the information.

MR. HUDSON: I shall be glad if the Minister will attend to this matter at once. It is of great urgency, as some amendment of the Act may be necessary

this session. I would ask the Minister to read the judgment of His Honour Mr. Justice Higgins, of the Federal High Court, dealing with the case of Ricco against the W.A. Exploration Company. I ask the Minister to obtain a copy of the judgment and read it.

QUESTION — RAILWAYS REPORT.

MR. HOLMAN asked the Minister for Railways: When will the Report on the working of the Government Railways for the year ending 30th June, 1906, be presented to the House?

THE MINISTER FOR RAILWAYS replied: The Report will be presented during the present sitting of the House.

QUESTION — PROSPECTORS, HOW ASSISTED.

MR. HOLMAN asked the Minister for Mines: 1, Whether, in accordance with the motion carried by the House on 8th August 1906, it is intended to present, this session, a return showing the assistance granted and losses incurred by the Mines Department in assisting prospectors with camels, horses, outfits, etc.; also all discoveries made by such assisted prospectors, etc.? 2, If so, when?

THE MINISTER FOR MINES replied: A copy will be presented to the House to-morrow.

SWEATING INQUIRY COMMITTEE.

EXTENSION OF TIME.

MR. TROY moved "That an extension of time for one fortnight be granted to the select committee appointed to inquire into the existence of sweating." The committee had taken additional evidence since the last extension was granted, and he hoped to have the report presented to the House within the next fortnight.

PAPERS—POLICE CONSTABLE'S RETIREMENT.

On motion by MR. DAGLISH, ordered: That all papers relating to the retirement of Constable P. J. Carroll from the Police Force be laid upon the table of the House.

PAPERS PRESENTED.

By the MINISTER FOR MINES: 1, Report on the working of the Government Railways for 1905-6.

By the TREASURER: 1, Travelling Expenses of Ministers for 1904-5 and 1905-6.

PAPERS—PERJURY CASE, C. L. TAYLOR.

On motion by MR. DAGLISH, ordered: That all papers and depositions relating to the case of one C. L. Taylor, who was charged with perjury but against whom a *nolle prosequi* was entered, be laid upon the table of the House.

MOTION: SPEECHES, A TIME-LIMIT.

MR. A. J. WILSON (Forrest) moved—

That the Standing Orders Committee be instructed to prepare new Standing Orders, for the purpose of providing a time limit to speeches, on the lines of the New Zealand Parliamentary Standing Orders.

He said: It has been the practice in this and other Parliaments in Australia to look on a democratic country like New Zealand for many of those higher ideals which, in the administration of affairs, has proved an example to follow by the various States of the Commonwealth. For some considerable time past the practice in this connection has been in existence in New Zealand of placing a time limit to the speeches of members. The Standing Order in New Zealand is No. 108 and reads as follows:—

No member shall speak for more than half an hour at a time in any debate in the House, except in the debate on the Address-in-Reply, or on the Financial Statement, or in a debate on a motion of no confidence, or in moving the second reading of a Bill, or in the debate on the Appropriation Bill, when a member shall be at liberty to speak for one hour. In Committee of the House no member shall speak for more than 10 minutes at any one time, or more than four times on any question before the Committee: Provided that this rule shall not apply in Committee to a member in charge of a Bill, or to a Minister when delivering the Financial Statement in Committee of Supply, or in regard to the number of his speeches to a Minister in charge of a Class of the Estimates in Committee of Supply.

Another limitation is provided in Standing Order 111, and deals with a debate on a motion moved for the adjournment of the House with a view of directing

attention to any questions of urgency arising. In that case in speaking to such motion the mover shall not exceed 30 minutes, and any other member shall not exceed 15 minutes, and the whole discussion on the subject shall not exceed two hours. These are the limitations that have been deemed wise to adopt in the Legislature of New Zealand, and so far as one can gather they have not worked injuriously to the best interests of members, nor in any way worked against the thorough elucidation of any question brought up for discussion in that House. The exemptions provided for are I think fair exemptions, and may be reasonably taken to cover all those classes of speeches which a member might feel some difficulty in addressing himself to at adequate length on these questions, that is on the Address-in-Reply, the Financial Statement, and a no-confidence motion, or in moving the second reading of a Bill, when the time limit would be one hour. The practice in New Zealand, a practice which is found very seldom necessary to resort to, is that in the case of a member speaking, the time limit of half-an-hour or one hour as the case may be has been to grant the member, if necessary, an extension of time for the purpose of concluding his remarks. This has not been found necessary to any great extent in New Zealand; but when the necessity arises the generosity of members can be relied on to extend that necessary time to members to enable them to place the matter under discussion fairly and definitely before the House. With the provision in these Standing Orders it does occur to me that ample time is given to any member who wishes to address himself to a question to thoroughly elucidate everything he desires to say on it without unduly interfering with the progress of business, or delaying the work of Parliament. In these circumstances I think we can take no reasonable exception to the placing of such a Standing Order amongst our Orders which govern the conduct of business in this Chamber. I do not think there is any occasion to animadvert on this aspect of the case. The exemptions in the N.Z. Standing Orders seem to be ample for all ordinary and reasonable requirements, and extraordinary cases can be met as in New Zealand, by granting an extension of time when in the opinion of the House it will be conducive to complete eludication and a complete information to the House. With a Standing Order of this nature it is impossible for members to rise in their places and talk against time; it would to a large extent, and probably entirely, do away with many of the uncomfortable all-night sittings which we have had some experience of; and no members seriously or honestly are desirous of being unduly detained here all night long and until the early hours of the morning listening to speeches which very frequently are made, not with a view of elucidating any particular point, but are frequently made with a view of talking more against time than anything else. With that class of speech no member can honestly and sincerely have sympathy. A move in the direction indicated will fairly block and discountenance any such practice as that. With these few brief remarks I beg to move the motion.

THE TREASURER: Are these Standing Orders in vogue elsewhere than in New Zealand?

MR. A. J. WILSON: I do not know if the practice exists anywhere else, but seeing that so many democratic ideals come from New Zealand, I do not think it necessary to go farther in this connection. If I had had farther time at my disposal I might have looked up the practice in other places; but it seems to be a common-sense proposal, and the limitation reasonable, and the exemptions adequate to the circumstances of the Standing Order, and such as should commend themselves to the common sense of members of the House.

On motion by MR. BATH, debate adjourned.

MOTION—KATANNING-KOJONUP RAILWAY.

TO INQUIRE AS TO ROUTE ETC.

MR. H. BROWN (Perth) moved—

That a Select Committee be appointed to inquire into and report on the Katanning-Kojonup Railway, with power to call for persons and papers, to adjourn from place to place, and to sit on days during which the House stands adjourned.

He said: The ground I shall cover will

deal practically with this motion and motion No. 8 on the Business Paper, and I shall rely principally on extracts from *Hansard* and the reports of the officials of the Public Works Department. I have no feeling in this matter. I voted last session for these spur lines on the representations made not only by the Treasurer but by the late Premier; and I find, after referring to their speeches in *Hansard* and to the reports of the engineers, there is a very considerable difference of opinion, and that the construction of one line at all events savours of something wrong. In my idea and the reports of the engineer, the line will be an absolute failure and a non-payable line for some years to come.

MR. TAYLOR: One of these lines?

MR. H. BROWN: The one I am referring to, the Katanning-Kojonup line. In introducing the Bill the then Minister for Works (Mr. F. Wilson) asked members to consider the reports of the Government and those submitted by the officials of the department. Then we have the then Minister for Works saying:—

I am sure that through the construction of that line large areas of land will be put under cultivation by those who hold them now; and, farthermore, the line will be the means of opening up a large area of land held by the Government beyond the proposed terminus of the line.

Later on he says of another of these spur lines, the one to which I am now referring—

Then we come to the other spur line, from Katanning to Kojonup, the length of which is some 28 miles. I have had the same particulars worked out. The total area of land, exclusive of 15 miles served by the existing railway, is 386,000 acres, and the area of land alienated 305,000 acres, giving an area available for settlement of 40,000 acres of first-class land, 32,000 second-class, and 9,000 third-class. . . . The country is undulating, and presents no engineering difficulties to speak of. The limit of deviation of this line has been put down at five miles on either side, in order to serve a great number of settlers on the main line to the best of our ability.

I am reading only those extracts which deal with the reports of the engineering officers:—

We can construct these spur lines on similar terms and on a somewhat similar specification very much cheaper than ever they have been constructed by a Government before. I have an estimate, and in passing before I give the figures to the House I want to point out that the intention is to run the spur lines to follow the contour of the country, to select the country which it will best serve, and not to be too particular about the grades as long as they are workable, or too particular about stations.

I would impress on members that aspect, and later I will give the engineer's report on this railway. Later on we have the then Premier, who stated—

If it is not within the knowledge of members that an immense settlement has taken place and will take place in each of these districts, their ignorance speaks little for the interest they are taking in what is happening in their own country. The facts show that an immense settlement has taken place in each of these three districts, and admittedly in others besides.

At that particular time the then Minister for Lands also gave us his opinion, and it was that mainly which induced me as a new town member, and induced others, to vote for these spur lines. The then Minister for Lands and now the Premier stated:—

I am satisfied from my knowledge that over the country these lines will traverse there will be no necessity for a steeper grade than 1 in 25, or curves sharper than 8 chains radius.

As to the freights to be charged to settlers along the line, the Minister said:—

We have 50,000 acres, and allowing that each of those 50,000 acres was responsible for half a ton of produce, that would mean a total of 25,000 tons, which at 2d. per mile—and the settler would be satisfied to pay that, considering that at the present time they are paying about 3d. on the main line—would average on that line 3s. 4d. per ton, or a return of £4,00 per annum.

Later on he said:—

There is no part of Western Australia which offers such great facilities for wheat-growing.

Again he stated:—

I think if these lines are constructed, provision should be made that on these reserves that have been set apart a man shall only hold a limited area.

Members will see by the report of the surveyor that it is impossible for a man to live along these lines on a limited area—

And if all these precautions are taken, it will be found that the lines if constructed will be in the best interests of the State generally. The Government have taken the precaution, in view of these lines being constructed, to reserve not only land on either side of the railway, but land in the various townsites which this line would serve, to prevent any speculator from taking advantage of increased

values necessarily accruing if it were announced that a line was going to commence from Goomalling, Wagin, or Katanning.

I have read those extracts in order to show the difference which existed between the Ministers of that day and their engineers. It will be remembered that these lines were approved and assented to on the 23rd December last; and within ten short days—there seemed to be a deal of haste to push on with the Katanning-Kojonup railway—on the 11th January the lines as denoted by the Government were strongly objected to by Mr. Muir, the engineer, who in a minute to the Minister for Works said distinctly:—

> The commencing and terminating points are not as they should be. The natural commencing point is a siding (Nordung) situated four miles south of Katanning, and the line should have terminated some two miles south of Kojonup, near where the Balgarrup River crosses the main road. . . . The grades would be easier than on either of the other two proposals, and the valley of the Balgarrup, in which this line would temporarily terminate, is the natural route for future farther extensions.

In the meantime these views were not taken notice of by the Government of the day, because Mr. Muir states in the same memorandum:—

> However, having accepted the commencing and terminal points as being definitely settled, I have instructed Mr. Wilson to lay out the line as shown. . . . that is the 1 in 40 grade, because of the saving in length and consequently saving in cost of construction. The red line would undoubtedly serve a larger extent of good country, but as the bulk of the land in either case is grazing country, I think it would be wise to keep the first cost as small as possible.

Therefore we find Mr. Muir entirely against the Government. We have the then Minister for Lands stating that the grades would be 1 in 29; here we have the engineer stating that he can get a grade of 1 in 40, and that he would strongly recommend that the grade of 1 in 40 be constructed, as it would cost the country £5,000 less than the 1 in 60, which would go through practically only grazing country.

Hon. F. H. Piesse: You are scarcely fair in making such a statement. You have no personal knowledge of the country.

Mr. H. BROWN: I am willing to accept the hon. member's explanation in that regard; but I am simply quoting an authority. I am not a railway engineer, therefore whether a grade of 1 in 29 or of 1 in 40 is the better I do not know. I am merely showing that whereas the then Minister for Lands stated that in the construction of one of these light lines the grade would be 1 in 29; we have here a grade of 1 in 40 strongly recommended by Mr. Engineer Muir, and strongly resented by the Government, because we find that Mr. Surveyor Wilson was instructed to go on with the taking of a preliminary survey of the 1-in-40 grade. On the 19th January a minute was forwarded asking that, in view of Mr. Muir's report that the country traversed would be mostly grazing land, the Minister for Lands should be consulted; but evidently no such consultation took place. We find that Mr. Surveyor Wilson was instructed to proceed at once with the survey of the No. 1 route, the 1-in-40 grade.

The Minister for Works: By whom?

Mr. H. BROWN: By Mr. Muir.

The Minister for Works: On what date?

Mr. H. BROWN: In January. Then there is a portion of the file missing. Mr. Wilson proceeded with the survey of this No. 1 route, and had absolutely completed the permanent survey of 6 miles 30 chains when—by whose representations I do not know—this permanent survey was abandoned and instructions were issued by the Premier for the survey of the No. 2 route mentioned in Mr. Muir's report, with the exception that the terminal point should not be altered.

The Minister for Works: You might state that the instructions which Mr. Wilson received were to find a 1-in-60 grade.

Mr. H. BROWN: 1 in 40, according to the file. Mr. Muir stated that 1 in 40 was the best grade, and that owing to the fact that there was settlement in the country through which that line would go it was far better to construct that line, thereby saving £5,000 in the cost of construction, than to make the detour which the 1-in-60 grade would involve. Then in spite of Mr. Muir's recommendation that the commencing point should be at Nordung and the terminal point south of Kojonup,

on the 26th the Minister for Works wrote to the Engineer-in-Chief to proceed at once with the survey, having the starting and terminal points at Katanning and Kojonup respectively.

MR. TAYLOR: What advice did the Minister act on in that—does the file show?

MR. H. BROWN: The file does not show. On receipt of that letter of the 26th, Mr. Muir again protested against proceeding with that particular work. He says:—

If a 1-in-60 grade, the line as shown in red and black on accompanying plan will have to be adopted, and the total length will be 33 or 34 miles. If a 1-in-40 is adopted, the length will be about 29 miles. In either case a surface line can practically be obtained, consequently the difference in cost by adopting the 1 in 60 would be, say, £5,000 extra.

Acting on the instructions received from the Minister for Works, Mr. Muir telegraphed to Mr. Surveyor Wilson that the line was to be on the south of the main road, and the grade 1 in 60. It appears that all the time those surveys were going on, the Government had had practically no report whatever from their departmental officers as to the land the line would go through.

MR. TAYLOR: Not from the Lands Department?

MR. H. BROWN: Not from the Lands Department, the engineers, or anyone else. It was only on the 11th of February that the matter was referred to the Minister for Lands. The first minute shows that on February 11th a Mr. Griffiths—after the surveys having been completed a month previously—was instructed to report on the land 15 miles on either side of the route. He says:—

Owing to 1905 season being very wet, less ground was cultivated and the yield is poorer than usual. Of the 204,000 acres available for selection—

And this I would ask members to consider—

which contain a large area of poor land and poison plant—

That is a Government report, and it states later—

At present many selectors find more profit in sheep than agriculture, and require large areas.

The Under Secretary for Public Works commenting on this report says:—

Mr. Griffith estimates that 68,000 acres will be selected within the next few years. Of course the area to be put under cultivation is problematical, as grazing may be substituted to a considerable extent.

I am using this because I and others were induced to vote for this railway as a spur agricultural railway; but this line goes through grazing land and the settlers strongly object to it and say that they never wanted it. Mr. Ross Anderson says distinctly that he can drive his sheep 30 or 40 miles along the road.

HON. F. H. PIESSE: Mr. Ross Anderson is within 2½ miles of Katanning.

MR. H. BROWN: It occurred to the Minister on the 7th of March to ask for an estimate of the working of the line. He foreshadowed in his speech when introducing the Bill that the charge the settlers in the district would have to bear would be 2d. per ton per train mile, but the report asked for by the Minister for Works at that time in March showed that to make the railway pay only working expenses would require a charge of 4¾d. per ton per train mile which would amount to £2,470 for the year. If the Government kept faith with the settlers as foreshadowed in the Minister's speech, the charge would need to be reduced to 2d. per ton per train mile, which would only give £1,040, leaving a deficit of £4,130. If we add to that the interest and sinking fund as submitted in the Engineer-in-Chief's report, which I shall read, it amounts to £2,115. Therefore, on this particular spur line there will be a loss to the country for some years to come of £3,545 per annum. And these figures, as submitted by the Engineer-in-Chief, show that for that amount only two trains per week can be run either way. If there is to be a greater traffic, possibly the amount of the deficit will be increased. We have heard it said repeatedly that the Government followed the advice of their engineers and surveyors. Mr. Wilson completed his survey and reported on the 7th May, but before reading his report I will read the report of the Engineer-in-Chief, Mr. Thompson, on that particular railway. It is dated the 27th April. He says:—

I forward a statement showing the fixed charges and estimated cost of running traffic over and maintaining the two lines, Katanning-Kojonup and Wagin-Dumbleyung. The estimated running expenses are put at as low

a figure as possible, and it is not probable that any farther saving can be effected.

These are the figures I read out just now.

To earn sufficient money to pay working expenses on the present estimated traffic will necessitate a charge of 4¾d. per ton per mile. This is a heavy freight charge, if imposed, and is bound to lead to complaints and to continued demands for reduction. Over and above the traffic expenses there will be also a sum to be made good for interest and sinking fund on each line, estimated at £2,115 per annum. It is therefore apparent that there can be no reasonable probability of these lines becoming a direct payable proposition for some considerable time. If these railways are vested in the Public Works Department it means practically that, so far as the State railways are concerned, these lines will be treated as privately owned concerns. The rolling-stock, including locomotives, will belong to the special line or system of lines, and the officials will be distinct. A special traffic manager will be imperative, entailing an expense not allowed for in the return hereunder. There will be the complications induced by the running of State trucks over these lines and *vice versa*, the running of the agricultural rolling-stock over the State system, necessitating special bookkeeping to ascertain the amount due by the one system to the other, owing to the interchange of rolling-stock. Should the remuneration given to the officials differ from the ruling rates obtaining on the State system, political influence and wire-pulling will be used to bring about an assimilation.

The Engineer-in-Chief, knowing there is to be a loss, is endeavouring to force this railway on the Lands Department. He goes on:—

Public works officials have had only limited experience of railway traffic running, and that during construction, and as it has been shown that under the conditions it is unlikely that these lines will pay their way for some considerable time, the financial burden thrown on the Works Department to support them will be considerable. If it is considered necessary to divorce these lines from the W.R. Department, then it appears to me that the Lands Department has a greater claim (being agricultural railways) to assume the responsibility of working them than the Public Works Department, which from its name is essentially a constructing department, and should not be turned into a railway traffic running organisation, of which it has had no great experience.

HON. F. H. PIESSE: That is the whole crux of the question. That is what they do not want to do.

MR. H. BROWN: Mr. Thompson goes on:—

More especially do I hold this opinion when in the State railways we have a department fully equipped to undertake the duties. Were the Commissioner of Railways instructed to cut down expenses to a minimum, afford only the most necessary facilities for the present, relieved of some of his liabilities under the present Railway Act in regard to these special lines, and ably backed by his Minister, I see no reason to doubt his ability to do all that his department is expected to do, and to do it better. For these principal reasons, I take this opportunity of stating with all respect that the proposal to vest these lines in and work them by the Public Works Department requires very careful consideration by the Government before adoption.

The report of Mr. Wilson, the surveyor, is I think most important. It shows at any rate the pressure that was brought to bear on him to construct the line contrary to his and Mr. Muir's wishes.

THE MINISTER FOR WORKS: What date?

MR. H. BROWN: When the Minister for Works asks for dates, I would remind him that this railway was not approved of by Parliament until the 23rd December, but on the 1st December Mr. Wilson was instructed to make this survey. Mr. Wilson reports to the Minister:—

This survey was commenced on the 1st December 1905, and completed on the 2nd May 1906. As you are aware, the survey of this railway was undertaken before any inspection of the country was made by myself. The instructions given me were simply to get what I considered the best route and recommend accordingly. After a preliminary examination I commenced line along what is now the adopted route, hereafter referred to as No. 1. Owing to the broken nature of the country this line was pushed much farther south than I expected, and went outside the limit of deviation.

The line is now being constructed considerably out of the latitude allowed by Parliament. Recently in reply to the member for Albany the Premier said it had been built 50 or 60 chains outside the deviation limit. The report continues—

Acting under your verbal instructions I then tried another route, known as No. 2, using 1 in 40 grades and keeping near the main road. This line turned out extremely well. The earthworks were about the same as No. 1, but it was evident that the line was going to be somewhere about four miles shorter than No. 1. In the early part of January you inspected both routes and decided on my recommendation to proceed with a permanent survey along route No. 2. About 15 miles was located and about 6½ miles permanently

marked by the end of January, when I was instructed to abandon it and commence a permanent survey along No. 1. I am strongly of opinion that this was a mistake. From a report made by Mr. Griffith on the present and prospective settlement near this line, it will be seen that there are grave doubts as to the possibility of this line being a paying proposition, either now or for many years to come; consequently the saving of four miles of length is a large consideration. A statement has been made publicly that No. 2 route was away from the bulk of settlement. Whilst admitting that this is to a certain extent true, I would point out that there is no settlement along the first 12 miles of the adopted route——

The line practically runs parallel with the main line for five miles.

MR. TAYLOR: Then we were badly advised in this House.

HON. F. H. PIESSE: The hon. member should wait until he hears everything. It is ridiculous to think the line would be run five miles parallel to the main line.

MR. H. BROWN: The report proceeds:—

and after that the two routes, as will be seen on reference to the accompanying plan, are so close to one another that it is not a serious consideration. The adopted route, besides going outside the limit of deviation, is 32¼ miles long, 4¼ miles in excess of the Parliamentary Bill, and probably nearly four miles longer than No. 2. Throughout the entire length the country is fairly rough, necessitating a large amount of curvature to get a reasonably cheap line. Even at the last moment I would recommend either the starting this line at Murdong and joining existing survey about nine miles, or completing survey along No. 2 route. In either case about £5,000 would probably be saved in the cost of construction. Only two sidings will be necessary at present, namely at 13¼ miles and 20¼ miles, or alternative 21½ miles. Future sidings might be constructed at 5½ miles and 26¼ miles. The timber resources will be reported on by Mr. Fagan; but he informs me that sleepers and bridge timber are obtainable all along the route. . . . . As you are aware, this survey has been carried out very hurriedly, and considerable difficulty was experienced in finishing it by the 15th April (the time specified in memo. received by me on the 10th March). A second party was put on, and long hours were worked in the field, also Saturday afternoons, Sundays, and Good Friday.

Why this indecent haste to compel these surveyors to work on Good Friday, holidays, and Sundays to complete the survey?

THE TREASURER: You know nothing about it.

MR. H. BROWN: I know nothing about it. I am simply asking for information.

THE MINISTER FOR WORKS: You made a statement that it was indecent haste.

MR. H. BROWN: So it would be to work on Good Friday. The engineer himself objects to it. He says:—

This rushing of a railway survey is not conducive to the best work.

And surely if I take the advice of the engineer, it should be equal to that of the present Minister for Works.

THE MINISTER FOR WORKS: I thought you were asking for information?

MR. H. BROWN: The engineer goes on:—

There was not time for doing as much trial work as the nature of the country required; and although I think the line is located properly, I feel that it would have been much better to have spent more time on it . . . . My thanks are due to the principal clerk, who ably assisted me by his prompt attention to correspondence.

It absolutely was prompt all through. I have shown conclusively that some inquiry is necessary to find out the reason for the haste in constructing this particular line. I have been informed by those who have been over it that the line, despite the protestations of the Minister for Works, has not been constructed in accordance with the specifications. We are told that salmon-gum saplings have been used as sleepers.

HON. F. H. PIESSE: There is no salmon-gum growing on the line; and not one salmon-gum sleeper has been used in its construction.

MR. H. BROWN: The Minister for Works the other day admitted that there were, and added that the life of a salmon-gum sleeper was calculated at 15 years.

HON. F. H. PIESSE: That shows how much the hon. member knows of the country. There is not any salmon-gum growing on the line.

MR. BROWN: I say there are rumours going about; we have been told that the life of a salmon-gum sleeper is 15 years, but other gentlemen who know what timber is state that the life of salmon-gum is possibly two years. Therefore, the line may have to be taken up and relaid in two or three years.

MR. BOLTON: Commissioner George says that salmon-gum is not much good for sleepers.

MR. H. BROWN: That is so. If these rumours are floating about that this particular line is going to cost the country £2,000 or £3,000 each year in maintenance, would it not be better to have a committee to find out the truth, not only in regard to this line, but also in regard to the other projected spur lines? Gentlemen who have been over this line state that the Works Department is not constructing it according to the specifications submitted to open tenderers. If the House will support me in obtaining this select committee, these rumours may be dispelled; and it would be far better, if deemed necessary after inquiry has been made by a select committee, to shut up the line altogether than to risk losing £3,000 or £4,000 a year to serve, as has been shown, only a few people. One gentleman through whose land the line runs for several miles states that if the line required to be constructed at all it should have gone on the eastern side, that there is too much rain altogether for wheat-growing on the western side of the Great Southern Railway, and this opinion is concurred in by many of the residents. If the select committee visited the district they would possibly find, by information to be gained from residents, that these spur lines would have been far better suited for agricultural development if constructed on the eastern side of the Great Southern Railway than on the western side through land mostly suitable for grazing purposes.

MR. BOLTON: Mr. George states that all traffic must cease on these railways in the winter.

MR. H. BROWN: From the information I have given from the reports of officials of the Works Department, members will see that the appointment of a select committee will do considerable good. It will show who was responsible for the deviation made in the route of this line from that so strongly recommended. I know we shall hear during the session that the Government are prepared to abide by the decision of their engineers and surveyors.

MR. TAYLOR: That is right. I am tired of listening to that sort of talk.

MR. H. BROWN: If these spur lines were referred to a select committee of this House, or to a royal commission consisting of members of this Chamber and of another place who have a knowledge of agriculture, I would be prepared to accept any route they recommended. It would assist the Government materially if, before any spur lines were constructed, a select committee comprising members of both Houses were appointed to take evidence in the districts and to go over the routes; and in view of the special knowledge which agricultural members of such a committee would have, their reports would have effect in this House. I have not whipped—though we have seen whipping going on here this afternoon—nor have I asked a single member of the House to support this motion; but I trust that I will receive the support of the House.

MR. W. B. GORDON seconded the motion.

TO ADJOURN DEBATE.

THE MINISTER FOR WORKS moved that the debate be adjourned to this day week. (Opposition dissent.) The papers had been on the table of another place for some weeks, and in endeavouring to refer to them there he had found that portion of the papers was missing and the remainder disarranged.

MR. H. BROWN: While the papers had been on the table of another place he had had free access to them. He had made extracts from the papers without removing them from the table; and he trusted that he would not be credited with the disarrangement of the file. He strongly protested against the adjournment. He had been informed before coming into the Chamber of the treatment that his motion was to receive.

Motion (adjournment of debate) put and negatived.

DEBATE.

HON. F. H. PIESSE: I do not need much preparation to deal with a subject such as this. Anyone who has listened to the remarks of the mover can understand how inexperienced he is. He has quoted from the files, which of course have been the only source of information available to him, without visiting the

district itself. I have no fault to find with the officials; they have made reports to the best of their ability. These officials have had certain instructions, and they have carried out those instructions in accordance with the directions given them by their immediate heads. Upon those reports the hon. member has made certain accusations against the Government — that they acted hastily last year in dealing with this important measure. The construction of this line was last year agreed to by Parliament, and the work of construction was put in hand and has been proceeded with, so far as I understand, to the extent that the earthworks are now nearing the terminus. The question of route he has also touched upon; and I would like to say at this stage that in my opinion the best route has been selected to serve the best interests of the country which the line will traverse. The engineer bears me out in that opinion, because he has stated that the route adopted traverses that portion of the country where the most settlement exists, though he states that the other would be the shorter of the two routes. That I know would be the case; but we must take into consideration the fact that the instructions given him were to find a route easily accessible and along which traffic could be carried economically. On that basis we find that on the northern route a grade of 1 in 40 only was obtainable, as against a grade of 1 in 60 on the adopted route. I know both routes thoroughly, and I may say that I am disappointed that a line of railway could not have been constructed between those two routes; because if the contour of the country had permitted it, it would have given much greater satisfaction to the people of the district through which the line passes. When these railway proposals were before the House I had in my mind's eye a line traversing close to the existing road from Katanning to Kojonup; and I believe that the southern route would have gone within a few miles of that road until it crossed it at a distance of about 16 miles from Katanning, where the steep grades would be encountered, owing to the existence of which the engineers have stated it would be difficult to obtain a grade of less than 1 in 40. Therefore it seems to me that the Government had no other course than to take the line by the route which has been adopted. That this route should have gone outside the line of deviation is to be regretted in some respects. At the same time I would point out that in my opinion the railway has gone a little too far south; yet unless they had adopted the route chosen, they could not have had the advantage of the 1 in 60 grade. As to the utility of the route adopted, it traverses high country. The southern route would have gone down the Carolup Brook, a part of the country which is very low, where there is no settlement to speak of, and in which the railway would not be so easily maintained as on the route selected. I have no doubt whatever that the soil along and within easy reach of the line will produce not only wheat but oats in large quantities; and there are extensive areas of land already under cultivation within a few miles of the line itself, on either side. There is a fairly large population, and 305,000 acres of land has already been selected along the route; therefore it is unreasonable to think that the people who have taken up such large areas will not push on with their development. It is absurd to say there is no development on the line. The route passes through the Goblup estate, to part of which Mr. Anderson refers. I am sure Mr. Anderson would not make misstatements. He would probably have preferred to see the line taken outside his property rather than through the middle of it, and most people will agree with him. No doubt the route selected will in some respects be inconvenient to him; but that is one of those inconveniences which some of us must endure, and I think Mr. Anderson has no more reason for complaint than has anybody else. This year he has let contracts for clearing some 400 or 500 acres of his land three miles from Katanning; I understand that clearing is proceeding apace on land that has been ringbarked for the last 15 years; so, much of that land will soon be under cultivation. Beyond that we pass through the estate of Holly Brothers, of which 3,000 acres has been cleared. The Goblup estate, which at one time was held by Lord Brassey, has recently been cleared by other owners who have cut it up into five distinct sections occu-

pied by fresh purchasers; so that is a step in the direction of subdivision, and ultimately I am sure most of the land will be brought under cultivation, and will produce large crops of wheat and oats. I do not for a moment wish to say this railway will benefit the people residing very near the town of Katanning, nor did I ever think it would. If members will refer to page 844 of *Hansard* for last session they will find that in my speech on the second reading of the Railway Bill I said:—

> We come to the other proposed line, the Katanning to Kojonup railway, which it is ultimately proposed shall be carried on to a point on the South-Western Railway between Donnybrook and Bridgetown, perhaps to Bridgetown or some point to be decided in the future. The distance from Katanning to that town is about 80 miles, and the distance from Katanning to the sea-coast in a direct westerly line is 145 miles, so that those who take notice of the locality will find we have land over which we can build a line of railway 145 miles in length if need be. When we take into consideration these various circumstances, we find after all it is not a question of the construction of spur lines, and I am sorry so much has been said in calling them spur lines, because I think they are the beginning of what might be termed a great gridiron system of railway construction.

When I advocated this line and recommended it to members, I dwelt on the fact that I desired the construction of a line towards the west. I felt we were carrying out a work which would ultimately be of immense benefit to the western part of the country; and we had in view the settling of immigrants on a portion of the country easy of access, while it would at the same time carry a larger population than some of our drier districts. That was why I felt we were acting rightly when we decided to build the agricultural railways authorised last session. As to the cultivation upon this railway within seven, eight, or ten miles of Katanning, I do not think that cultivation is of very material advantage to the Kojonup railway, except that the adjacent settlers, being so near the main line, will be able to send their produce not only to Katanning but to markets throughout the whole of Western Australia. If I were to speak from my own point of view as one interested in Katanning I should say we do not want spur lines; we are better without them. But we have to open the country, and to reflect that those settlers will be able to consign from a station or siding six, eight, or ten miles from Katanning to Nannine if need be, and at the present railway rates. Thus they are given an opportunity of competing advantageously with other producers. Beyond that distance I say the railway will be of advantage, and beyond that distance the most active settlement is taking place and the number of settlers is greatest. Unfortunately for the people of that district, during the last two years they have experienced what are termed wet seasons. My knowledge of the country extends over 31 years, and within that period I have known only five such seasons. All the remaining seasons out of the 31 were highly favourable to the western country; and evidence of the suitability of the climate will be available this year to all who care to visit that country. The climate will prove the truth of my argument; because our eastern settlers are suffering somewhat from the terribly hot weather which we recently experienced for three or four days, and which damaged a portion of our crops, whereas our western crops are flourishing. We have in that part of the country a climate second to none in any other part of Australia, and land which must come to be considered unequalled for the growth of wheat and other cereals, for dairying purposes, and for grazing. In advocating the line I felt it must ultimately prove of immense advantage to the country; yet one would think from what the hon. member (Mr. Brown) has stated that there was no settlement at all along the route. But when I tell the House that this country, which previously had not given such good results, yielded some 35,000 sacks of wheat and oats three years ago, and that the people have since continued a much more extensive cultivation of those cereals, it will be seen that the hon. member's assertions are not supported by facts. It would give me the greatest pleasure to see the hon. member and others visit Katanning in my company, to see the country through which this line passes. We in that district have nothing to be ashamed of, and I am sure everything done would prove on personal inspection to be fully justified. I do not fear any inquiry at all; but I feel we ought not to place too much reliance on

the reports of engineers who express opinions on the value of cultivable land or on the capabilities of land. Though these officers may be excellent engineers, and I do not for a moment dispute their qualifications, I do dispute their right to overrule my opinions and my judgment of the character of such land as we are now considering. As to the capabilities of land and its value for settlement, I place myself as an expert in an altogether different category from those engineers. I do not for a moment disagree with their engineering proposals. The officers have doubtless done their best according to their ability and professional knowledge. But I think they have in one or two instances gone outside their proper province when they talk about a non-paying line; because they do not know what the country in question is capable of producing, especially under the altered conditions which will result from the building of the very line they at this early stage condemn, if they do condemn it. I come back to the Engineer-in-Chief, a most estimable officer, in whom I have every confidence and whose opinion I value. I say, if we read his report we shall find he is really arguing from his own standpoint upon a matter altogether different from the question whether the railway will open up the country. He is arguing that he does not wish to take over this railway and run it from a Works standpoint. That was the proposal made last year by the Treasurer, and I think it is a matter which the Government have yet to decide. The Engineer-in-Chief has pointed out that if such a railway be taken over by the Works Department they cannot work it so economically as if it were taken over by the Working Railways. But the objections raised by the Commissioner to taking over spur lines by the Works Department do not apply exclusively to the Kojonup-Katanning railway, but to all railways which it is proposed to take over. We shall find from time to time that objections have been raised to every spur line of railway. The departmental officers look on them as lines on which the traffic will be non-productive. Well, we know that is so unless the lines are farther extended. I have urged that this line should be extended farther into the country; I felt we should proceed with it for another 20 miles, and thus making it a much better paying proposition than we can by constructing it for 32 miles only. This railway has been approved by the House; its construction is being carried out; and I can give members the assurance that the country through which it passes is a country which will when developed do much to build up the national wealth of this State, and provide a great volume of traffic for this railway in time to come. No railway has yet paid from the jump, except our railways to the goldfields, fed by an enormous traffic. Even our present main lines in the Eastern Districts were originally non-paying propositions, as members will see if they look up the old records. Therefore we perceive when we consider this matter there are really better prospects for the Katanning-Kojonup railway and its extension than we ever had for the Eastern Districts railways in the old days, until the opening-up of the goldfields proved of such service in providing an enormous traffic. I should not have risen to-day to speak on this subject had I not felt that I can speak on it with sincerity. I do not fear any inquiry; indeed, I court inquiry. I do not wish to shirk any responsibility which I may have assumed. Of the country in question we shall in future be intensely proud, for I am sure it will carry an enormous population. From the remarks of the hon. member one would think that pressure had been brought to bear on the Government. The files in connection with this line are on the table. I did not know that the line had gone so far north until I had a request made to me by the people on the southern route to ask the Government to have an inquiry into the matter with a view of having a line brought nearer to them. I went into the matter myself and I saw that to alter the line we would have to have a grade of 1 in 40, and to have that grade would be a fatal mistake. Although the line will inconvenience people all of whom are my friends, still I feel that some must suffer in certain cases, and if any member will look to any case in the past he will find that there is no instance without complaint having been made or someone having to suffer. The battle of routes has been fought in the past in many

cases. In this case the distance that any of the people will be from the railway, those who have complained, will be $3\frac{1}{2}$ miles. And although they would have preferred to have the line passing nearer to their places, probably going along the road, and I would have been glad to see it go along the road, still the better course has been adopted in taking the route along what I may term the ridge rather than the valley, and it will serve the country much better. In regard to the question of sleepers, I have had an opportunity of seeing the sleepers that are being used in the construction of the line. They are white-gum sleepers, and I am satisfied they are sleepers that will give us better service than the jarrah sleepers. To convince members and also to show the Premier that such sleepers were durable, a few nights ago I had a sleeper produced which had been cut in 1899. Seventeen years ago I cut for the West Australian Land Company 2,000 white-gum sleepers at a little spot mill which I had at Katanning. The day the Premier came up to Katanning I asked the engineer if he could find for me one of the sleepers that I had cut for the company 17 years previously. It was brought to Katanning and shown to the visitors there. The sleeper had been in the road for 17 years, and I was told that there was some difficulty in drawing the dog-spikes out of it. When it was put in it had a slight fuzzy heart, and except for the fuzziness having disappeared the sleeper was sound. It had been adzed on each side to show the soundness. I was informed by the engineer that the sleeper had another 10 years' life in it. My sleeper was a sawn sleeper, but the sleepers now being put in the line are split. They are cut out of half-round logs, and there is greater durability in those sleepers than in the sleepers I had sawn. Notwithstanding what the permanent-way engineers say about it, I am convinced that such a railway as this will be suitable for all the requirements and the sleepers will be equally as durable as a jarrah sleeper. Of course the line will not be so nice to look at.

MR. TAYLOR: Are they putting in round backs?

HON. F. H. PIESSE: They are putting the flat sides down and the round backs upwards. I hope I will live as long as these sleepers will last. Members may think I am taking a risk in saying that, but I can assure them there is a life of 30 years in those sleepers. I am satisfied that the sleepers which are being used are good. Then there is the other sleeper, what is known as the salmon-gum sleeper. With regard to these salmon-gum sleepers which are so much condemned I was not too much in love with them myself, but in certain circumstances they have stood remarkably well, and when the white-gum is not obtainable the Government will be acting wisely in using the salmon-gum sleepers in districts where they are known to stand well. I am satisfied that the salmon-gum sleepers under certain conditions will make an excellent road. They have been proved on the goldfields to stand well under certain conditions, and I think they will stand very well in the Dumbleyung line; but I would have preferred white-gum sleepers being used there. I have not had the experience that some people have had with salmon-gum sleepers, and therefore I would deal with the wood which is more durable than I have known the other to be. I would prefer having the wood I am accustomed to. The member has referred to the climate and said that in this district the climate will cause a great deal of difficulty in the maintenance of the road. At Katanning the road is maintained very well, and as this district is only 20 miles from Katanning there is not likely to be any danger as to climatic changes there. Therefore I feel the arguments of the member cannot be substantiated. I have very little more to say. I only rose because I felt I should state what I know of the matter. As to political pressure being brought to bear on anyone in reference to this line, I deny it. This line stood on its merits. It is a justifiable proposition, and I am sure when it is carried on which I hope it will be soon, we shall see great advantages following in its train. We are certain that it will open up a large area of country. It is not costing a large sum of money; it is the cheapest line we have built in this State. I have seen the earthworks, the sleepers, and the bridges. All are built out of round timber locally obtained and most durable. Although

I have often wished to have such a line constructed I felt that unless someone who was strong enough took the initiative and ordered such a line to be built, we were not likely to see such a line. This is the commencement of a new era in railway building and it will mean the opening up of an enormous territory. I am satisfied, if the specifications are followed in carrying out the line, it will be no more difficult to maintain than any other lines, and that it will be maintained economically. I am sure it will be a great factor in adding to the wealth of the State. This pioneer line, with the other lines advocated at the same time and approved of, will convince members that such lines of railway are satisfactory and are thoroughly justified, and are of immense benefit to the country, and that the money expended on them will be money well spent. In regard to the remarks of the member, I am sorry that he made certain assertions which I am sure after farther consideration he will withdraw, and I am sorry he made inferences which are painful in some respects to members who have had something to do with this line. I feel that if the member would see what has been done and what is being done he would agree in recommending this railway. I recommended it with a full consciousness of the responsibility I was taking on myself and fully aware of the advantages which would follow. I was sure it was fully justified. The line must be built in the interests of the State. I am glad in many respects that this question has been raised, for it has given me an opportunity of saying what I have said. I do not know what course the Government intend to take; still I think any inquiry which could be made would set at rest the minds of members in regard to the matter, yet I feel it would be wasting time and money to carry out such an inquiry, knowing full well that we have had so many people over the line who have seen the country and who can speak of it from a practical standpoint and from personal observations. It is absurd to think that anyone would bring forward such a proposition without justification for carrying it out. The Government did the best in the interests of the country; and although perhaps the engineers issued reports from their standpoint, they did not know sufficient of agriculture to give a qualified opinion from that point of view. We must take their reports as the reports of professional men in regard to the construction of a line, and not in regard to the suitability of the country for agriculture. They are speaking from a professional standpoint, and we as practical men speak from a practical standpoint. If we carry the line through the country which I know it will open up, then this State will feel thoroughly satisfied in time to come that it authorised the carrying out of this railway.

MR. TAYLOR: For what distance would you continue it?

HON. F. H. PIESSE: I would like to see it go another 20 or 25 miles to get into what I call the open hill country, the blackboy country, which is very rich.

MR. HOLMAN: Are there any settlers there?

HON. F. H. PIESSE: Yes; there are settlers all along opening up the country. Members in speaking of grazing from time to time—and no one knows more about grazing than the member for Mount Margaret, and I am sure he does not support many of the statements which have been made—have made remarks which belittle the importance of grazing to this country. Grazing is of as much importance to this country as the growing of wheat. We know the enormous sum of money that is sent out of Western Australia for meat from time to time and for butter and eggs and other things that are outside wheat growing, and if we can catch that up and open the country and help to diminish that big bill, we shall be doing good work. I do not think members should belittle the efforts of the grazier. This country, as pointed out by many members, is more suitable for mixed farming than many other parts of the State. It is lightly timbered. It is almost equal to a lot of the Blackwood country, but it is not heavy clearing. That is why I think we should go into this country and open it up. We should enable people to take this land and open it up and quickly make something out of it. We should do that rather than ask people to take more heavily timbered country which I admit is superior; but the cost of bringing it under cultivation would be heavy to men of small means.

That is my reason. I think we ought to open this fine piece of country commencing from 20 to 25 miles from Katanning and extending to 40 or 50 miles in a westerly direction. My words are borne out by my previous utterances, in which I have said that I felt a line should be built from Katanning or some other point on the Great Southern Railway into the western country, because I felt that the future would justify such a work. I am not apprehensive nor disappointed. We did not expect to immediately see train-loads of grain coming out of that country, such as will be coming out of it during the next two or three years. It is the encouragement we give by the iron road to open that country and induce the people to produce that which we need. I ask members, in considering this question, to look at it seriously. If the appointment of a select committee would attain any good object I would not be opposed to it—[MR. TAYLOR: At least it would clear up a misunderstanding]—but I feel that the same object could be gained by a visit to the district by four or five members. If members of the proposed committee, or others, would go there and see the country for themselves during the next fortnight or three weeks, I would be glad to show them through the district. I do not want to drive them through, for then it might be said I was endeavouring to influence them; but I will be pleased to show them the country, and they will be able to see that the construction of this line is justified and that the Government have, in carrying out the authority of the House, done the best in the interests of the State. I do not know what action the Government intend to take with regard to this motion; but so far as I am personally concerned I do not care what inquiry is made.

On motion by the MINISTER FOR WORKS, debate adjourned for one week.

MOTION—LANDS ADMINISTRATION, HOW DECENTRALISED.

MR. H. DAGLISH moved—

That there be laid upon the table all papers relating to decentralisation in administration of the Lands Department.

THE TREASURER said: The Premier had asked him to explain that it was his wish the motion should not be pressed, for the reason that he was now busy reorganising his department with a view to carrying out the decentralisation proposals, and it would not be conducive to the proper or economical carrying out of that scheme to have the papers lying on the table at this time. He therefore asked the hon. member not to press the motion, and would give the assurance that if the mover so desired he would be given access to the papers if he called at the department.

MR. DAGLISH had no desire to press the motion, and in the circumstances would ask leave to withdraw it.

Motion by leave withdrawn.

MOTION—AGRICULTURAL RAILWAYS, COMMITTEE TO INSPECT ROUTES.

MR. H. BROWN moved—

That owing to the heavy annual loss that will be incurred by the State in the upkeep of the Katanning-Kojonup Railway, as per reports of the engineers of the Public Works Department, in the opinion of this House it is desirable that the construction of any farther spur lines be deferred until after the inspection of routes and report by a Select Committee of both Houses has been presented to Parliament.

The arguments used in relation to his previous motion would apply here. The battle of the routes had occurred in regard to the Greenhills line, and in the files already dealt with relating to the Katanning-Kojonup line, a petition was included dealing with the matter of the route. So little notice was taken by the Government in regard to the petition that it produced a protest from the signatories against the cavalier treatment meted out. This motion would relieve the Government, who apparently had not faith in their departmental officers, by providing reports from agricultural members of this and another Chamber in relation to proposed spur railways, in which reports the House and the Government could have implicit faith.

THE MINISTER FOR WORKS: How long would such reports take to prepare?

MR. H. BROWN: If the preparation of a report took even six months, it would be preferable to running the risk of

authorising works on which there would be an annual loss. He was not going to vote for any farther spur lines until more satisfactory information was available than had been given in regard to the three Railway Bills passed last session.

MR. G. TAYLOR seconded the motion.

THE TREASURER: The mover had not realised the effect that his motion if carried would have. It would stop all development in Western Australia in this direction for 12 months at least. The debate on the previous motion had been adjourned; and now the mover desired the House to agree to this motion on the *ex parte* statements made by him in moving the previous motion. It had not yet been proved there would be a heavy annual loss on the Katanning-Kojonup line, and therefore the mover could not expect the House to adopt such a drastic motion on his mere statement that there would be a loss on that line.

MR. H. BROWN: That was the engineer's statement.

THE TREASURER would not be committing any breach of confidence, or lowering the dignity of the Engineer-in-Chief or of his officers, in saying that at the time they did not want to have anything to do with the running of these spur railways apart from the main railway system, as was proposed when they were asked to prepare an approximate statement of the cost of running these railways. He ventured to repeat the opinion expressed by him last year that, given the same conditions as obtained in connection with light railways employed in the timber industry and the same amount of traffic, these spur lines could be run as cheaply as were those lines, apart from the main railway system of the State. The Commissioner of Railways himself would not contradict that statement.

At 6.30, the SPEAKER left the Chair.

At 7·30, Chair resumed.

[Two hours having elapsed, the consideration of motions by private members was discontinued, Orders of the Day taking precedence. Among them were certain adjourned Motions which had been made Orders of the Day.]

MOTION—IMMIGRATION, ARTISANS AND LABOURERS.

Resumed from the 15th August.

Order read for resuming debate on the amendment moved by Mr. Daglish that the words "in view of the presence of a considerable number of unemployed in this State" be omitted from the following motion by Mr. Bath, "That it is undesirable, in view of the presence of a considerable number of unemployed in this State, to hold out inducements to and assist the passage of artisans and labourers to this State."

MR. BATH: When the member for Subiaco moved an amendment, I said I was willing to accept it.

Amendment put and passed.

Question as amended put, and a division taken with the following result:—

Ayes	...	...	17
Noes	...	...	17
A tie	...	...	0

AYES.	NOES.
Mr. Bath	Mr. Brebber
Mr. Bolton	Mr. Brown
Mr. Collier	Mr. Butcher
Mr. Daglish	Mr. Cowcher
Mr. Eddy	Mr. Davies
Mr. Ewing	Mr. Gordon
Mr. Gull	Mr. Gregory
Mr. Holman	Mr. Hardwick
Mr. Hudson	Mr. Illingworth
Mr. Keenan	Mr. Male
Mr. Scaddan	Mr. Mitchell
Mr. Smith	Mr. Monger
Mr. Taylor	Mr. S. F. Moore
Mr. Underwood	Mr. Piesse
Mr. Walker	Mr. Stone
Mr. A. J. Wilson	Mr. F. Wilson
Mr. Troy (*Teller*).	Mr. Layman (*Teller*).

MR. SPEAKER gave his casting vote with the Noes, thus leaving the question open.

Question thus negatived.

BILL—MONEY LENDERS.

SECOND READING MOVED.

MR. A. J. WILSON (Forrest) said: In moving the second reading of "an Act to amend the law with respect to persons carrying on business as money-lenders," I do not think that the Bill requires very much explanation. It has been on the file some considerable time, and has already passed through another place. Those members who have perused the clauses, of which there are only six, will I think readily understand the purport of the Bill and the effect it will have as

far as the community at large are concerned. At present there does not exist in this State any legislation which in any way will protect people who desire or find it convenient or necessary to borrow money, particularly that class of the community most easily placed at the mercy of unscrupulous and unconscionable money-lenders. In various phases of life this practice exists in Western Australia. It frequently has occurred that people who desired for immediate necessities to obtain very small amounts on good securities have had to pay very large and extortionate sums for the convenience; and as the law stands in the State to-day, no matter how extortionate or excessive the charges may be, there is no provision to protect those unfortunate persons who find themselves placed at the mercy of any money-lender who is unscrupulous enough and unconscionable enough to extort excessive fees for the convenience rendered in this way. In England this matter had reached a very acute stage; so much so that in the year 1900 a select committee, which sat for two years investigating this matter, and before which some of the highest authorities, County Court Judges and other reputable and eminent people, gave evidence, made a recommendation to the following effect:—

After carefully considering the evidence which has been given in regard to particular transactions, and the general expressions of opinion of persons so well qualified to form a judgment as Sir Henry Hawkins, Sir James Charles Mathew, Sir George Lewis, the Inspector General in Bankruptcy, and the County Court Judges, your committee have unhesitatingly come to the conclusion that the system of money-lending by professional money-lenders at high rates of interest is productive of crime, bankruptcy, unfair advantage over other creditors of the borrower, extortion from the borrower's family and friends, and other serious injuries to the community. And although your committee are satisfied that the system is sometimes honestly conducted, they are of the opinion that only in rare cases is a person benefited by a loan obtained from a professional money-lender, and that the evil attendant upon the system far outweighs the good. They therefore consider that there is urgent need for the interposition of the Legislature with a view to removing the evil.

MR. TAYLOR: Is the hon. member in order in reading *Hansard*?

MR. SPEAKER: *Hansard* this session?

MR. TAYLOR: Yes.

MR. WILSON: I am reading the report of the select committee which sat on this matter in England.

MR. HOLMAN: From *Hansard*.

MR. SPEAKER: Is it a quotation from another *Hansard*?

MR. WILSON: It is an extract from the report contained in ——

MR. TAYLOR: Contained in our own *Hansard*.

MR. SPEAKER: I do not see any harm in that. If I ruled him out of order in that, I take it that it would be easy for the hon. member to get the original copy.

MR. A. J. WILSON: Quite so. I do not object to the hon. member taking the objection. I have finished reading what I intended to read. As the result of the recommendations made in England, an Act was placed on the statute-book there, and it has been in operation during six years. The legislation now before this Committee is practically on all-fours with it. One recognises that under ordinary circumstances it is very difficult to get at the intricate facts which very frequently surround transactions with money-lenders in those particular circumstances to which I have referred, and in order to get over the difficulty and make it as easy as possible to prevent extortion which was so common in England and is practised even in Western Australia to-day, legislation was framed for the purpose of giving to the courts power to review the transactions with any registered money-lender who at any time might take proceedings for the recovery of what he conceived to be his rights under any agreement executed between the borrower and the lender. If the court on investigation of the matter considered the rate of interest charged or the fees, fines, or other payments in connection with any particular loan harsh or unconscionable or unduly high, it could order a fair rate of interest for the loan, having regard to the securities, the risk being run by the money-lender, and all the circumstances. Prior to the initiation of this legislation the courts of law, not being able to exercise the powers conferred by this measure, resorted to another practice, which was objectionable from some standpoints. It was this. When a money-lender who had charged an excessively high rate of interest for the convenience

granted sued for the recovery of what was lawfully due to him, the court sometimes made an order for payment of a penny per week, and it would take a few hundred years for a person if he lived as long as that to redeem the obligation. That was an unsatisfactory way of dealing with the matter, and an entirely more equitable way was to give the courts the power to review the transactions and to see that justice was done between the parties. The Bill provides that in any case after the commencement of this measure where "there is evidence which satisfies the court that the interest charged in respect of the sum actually lent is excessive, or that the amounts charged for expenses, inquiries, fines, bonus, premiums, renewals, or any other charges are excessive, and that in either case the transaction is harsh and unconscionable, or is otherwise such that a court of equity would give relief, the court may reopen the transaction and take an account between the money-lender and the person sued, and may, notwithstanding any statement or settlement of account, or any agreement purporting to close previous dealings and create a new obligation, reopen any account already taken between them, and relieve the person sued from payment of any sum in excess of the sum adjudged by the court to be fairly due in respect of such principal, interest, and charges;" having regard of course to the risky circumstances under which the transaction takes place. Under the provisions of this measare anyone who is carrying on legitimate business would not in any way be affected. What is aimed at by this legislation is to check the rapacity of unscrupulous and unconscionable money-lenders, whose special course is to resort to tricks and sharp practice for the purpose of carrying on their business, and thus take advantage of the unfortunate borrower. The Bill provides for the registration of money-lenders, and Clause 5 contains certain exemptions which I think will amply meet all requirements. It is farther provided that any person carrying on the business of an unregistered money-lender will be liable to a penalty of £100, which I think is a wise and necessary provision. The court will of course be at liberty to impose any lighter fine which may be deemed fit. Everyone familiar with the civil service knows there has for some time been a practice by which civil servants are placed at the mercy of unscrupulous money-lenders who charge extortionate rates of interest, with the result that borrowers are eternally in their power. I have heard that a practice exists in the departments by which a superior officer sometimes becomes a lender of money to some of his subordinates; and if that is so it ought not to be tolerated. By the Bill any person carrying on such a business will have to be registered, and will thus be open to exposure if any of his transactions are unfair, harsh, and unconscionable. I do not know that the Bill is the law in any other Australian State. The member for Mount Margaret (Mr. Taylor) reminds me it is law in New South Wales. I know it passed the Lower House in Victoria, and was thrown out in the Upper House only because it happened to reach that place too late in the session. This Bill does not attempt the impossible task of prescribing the rates of interest that may be charged.

MR. TAYLOR: The New South Wales Act does.

MR. A. J. WILSON: That would be difficult, because the rate fixed may not lend itself conveniently to every set of circumstances which may arise. I think members will agree with me that this departure is not taken too soon for the benefit of the public, and that it will give considerable relief and protection to those who stand most in need of it, while the Bill will at the same time inflict no hardship on those who are doing a fair and reasonable business as money-lenders. I have pleasure in moving the second reading.

On motion by the TREASURER, debate adjourned.

BILL—MUNICIPAL INSTITUTIONS ACT AMENDMENT.

WIDTH OF A STREET.

SECOND READING.

MR. H. BROWN (Perth): I move formally that the Bill be read a second time. There is in Fremantle a street of less than the required width permitted by the Municipalities Act, hence the council are unable to spend any municipal funds thereon. It is necessary to pass a special Act of Parliament so that the

street may be made. The Municipal Corporations Bill now before another House will render bills of this sort unnecessary. The street has existed for many years, it has been built upon from end to end, rates have been collected in respect of it, and the council desire to be allowed to take it over.

THE ATTORNEY GENERAL (Hon. N. Keenan): As members will see, the whole purport of the Bill is to enable the Fremantle municipality to declare a certain thoroughfare to be a public street within the meaning of the Municipalities Act of 1900, although the thoroughfare is not of the width required by the Act. When in the present session I introduced the Municipal Corporations Bill I pointed out that one of the clauses was specially designed to avoid these perpetual Bills being brought in every session to validate certain thoroughfares and enable them to rank as streets. I would draw attention to the definition of "street." In the Bill now before another place a definition clause, No. 6, has been assented to by which "street" is defined as meaning and including every thoroughfare which the public are allowed to use within the limits of a municipal district, being 66 feet or more in width, or any such thoroughfare of less than 66 feet in width which the council may by public notice declare to be a street. I purposely asked the House to note that by including this clause we should avoid the unnecessary trouble to which we are put in considering Bills such as that now before us. Clause 221 of the Municipal Corporations Bill renders necessary a minimum width of 25 feet for a street; but members may recollect that in fixing this minimum they seemed to think they were allowing great latitude to councillors, for a street 25 feet from side to side is not at all too wide for public purposes. I understand the street in question is narrower; and if that is so, the fact should be brought before the House when we are asked to pass this Bill, for it is of some importance to declare as a public street a thoroughfare so narrow that it can hardly be called a thoroughfare at all. It is practically little better than a right-of-way. That is not a matter on which I need express an opinion. All I should like the House to consider is, there should be a distinct note of warning to municipalities that the House, having put a certain limitation on the width of streets, will not tolerate the attempt to bring in private Bills for the purpose of effecting an object which the House thinks should be rightly and properly effected by the municipal corporations concerned. I do not oppose the Bill, because this particular street is not within the purview of the Municipalities Act; but on the other hand, I wish the House to intimate clearly that measures which come up session after session for this trifling purpose will not in future be tolerated unless in very exceptional circumstances.

THE MINISTER FOR WORKS (Hon. J. Price): The circumstances of this street are very exceptional. I believe as a matter of fact it formed part of the estate of the late Mr. Marmion. The estate was cut up and the land sold many years ago, and all the land has since been built upon. There is practically a blind end to the street, and the council receive from the residents a considerable sum in rates. It is farther desired that the House should take cognisance of these exceptional circumstances, and permit the council to take over the thoroughfare. The street does not come within the provisions of the new Municipal Corporations Bill, which prescribes a minimum width of 25 feet for any street.

MR. HOLMAN: What is the width of this street?

THE MINISTER FOR WORKS: It is 22 feet. Many years ago the land was cut up, surveyed, and sold. I think the street abuts on South Terrace. The land has not been cut up within recent years. In many parts of Fremantle are old buildings erected in the early days of the town, and in respect of these the council deserve consideration; therefore I trust the House will support the Bill.

MR. A. E. DAVIES (South Fremantle): The Bill has been introduced at the request of the Fremantle council, of which I am a member. The street has been in existence for about 16 years. People bought the adjoining properties many years ago, when the land was cut up along the street, and the council have never been able to macadamise it, as municipal funds cannot be used for

macadamising streets of less than 25 feet in width. This street averages about 22 feet in width and is about 16 chains in length. There are buildings right along both sides, and property-owners on each side have repeatedly asked the municipality to macadamise the thoroughfare. We have no power under the Act to do that. We are prepared to macadamise the street at once if the Bill is passed. I hope members will agree to this measure.

MR. G. TAYLOR (Mt. Margaret): I do not feel disposed to oppose the second reading. I recognise the difficulty the Government are in in dealing with Bills of this nature every session, but I wish to point out that I believe the House has expressed its opinion with reference to the width of streets in the new Municipal Corporations Bill. At the same time, we find this street would not come within the scope of that measure. We have already decided that the minimum width of a street shall be 25 feet, and this street is only about 22 feet wide and 132 yards yards long. I am informed this street has a blind end; there is no outlet to it. That being so, I think it would be wise if the House passed the Bill and gave to the people resident in that locality an opportunity of having the street macadamised by the municipal council to whom they have to pay their rates. I want to emphasise the necessity for the House passing a measure recognising a certain width for streets, and below that width the House should not go or pass special legislation to deal with narrower streets. This street is the outcome of the cutting up of some land 16 or 17 years ago at Fremantle, and Fremantle in those days, from a local government point of view, was many degrees behind its magnificence to-day. No person in Fremantle to-day would dream of cutting up land in similar fashion to that in which this land has been cut up. Under the circumstances, and having regard to the people living in the street and the necessity for the road being macadamised, I think we should pass the measure. We cannot by Act of Parliament make it a street, but we can give power to the municipality to make it a street. I support the second reading of the Bill.

THE TREASURER (Hon. F. Wilson): The Government have no intention of opposing this second reading. The Attorney General merely wished the House to be seized of all the facts of the case before coming to any conclusion. It seems rather hard for people who have purchased land in a narrow street like this 16 or 17 years ago, and established their homes there, perhaps in ignorance of the council having no power to take it over, to be compelled perpetually to suffer all the evils for want of a macadamised road. We have had an expression of opinion from a member of the municipal council of Fremantle, and we understand it is their desire to have power to take over this short street so that it may be macadamised. That being so, I do not think the House will be inclined to throw the measure out. The width of the street is objectionable, being only 22 feet, but in an old town like Fremantle there are bound to be some corners where streets are narrower than they ought to be, and we should be prepared from time to time to consider measures of this kind so that a town can be kept in a healthy condition. I shall support the second reading, so that the municipal council can have their wish carried into effect.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

BILL—JURY ACT AMENDMENT.

IN COMMITTEE.

MR. ILLINGWORTH in the Chair, Mr. H. BROWN in charge of the Bill.

Clause 1—agreed to.

Clause 2—In civil cases two-thirds majority to be accepted:

THE ATTORNEY GENERAL: When this Bill was before the House on the second reading he pointed out that in his opinion and in the opinion of a good many members of the House the only virtue possessed by a jury verdict was the virtue of unanimity, and if we removed that, we removed the principal foundation on which jury law rested. If we con-

sented to remove that—the second reading having been carried, he could not challenge the principle—and if it was just and proper in determining the rights of an individual in a civil suit, and members were prepared to assent to that, there was no reason why we should not adopt the principle in every case, whether criminal or civil. Therefore he moved an amendment—

That in line 1 the words "or criminal" be inserted after "civil."

This was a measure which it would be a great pity to hurriedly place on the statute-book, because we should be absolutely assured that it would not tamper with the administration of justice in civil or criminal cases.

MR. TAYLOR was not too favourable to the Bill as it stood, and he certainly opposed the amendment. There might be some grounds why this Bill should deal with civil cases, but there were none in his opinion why it should apply to criminal cases. One's character, honour, and property were of value, but one's liberty was of still greater value, and not only would one's liberty be at stake if the amendment were carried, but one's life. He wished to draw attention to the attitude of one of our Judges within the last week. The attitude taken by that learned gentleman might be very laudable, and some members seemed to think it was; but if he had been one of those jurymen and that learned gentleman had tried to browbeat him into a decision he would not have regarded it as a laudable act, and had he been foreman of the jurymen he would have asserted his power to protect his colleagues from that onslaught. It was better to let 500 guilty men free than to punish one innocent person, and especially was it better to do so than to hang one innocent person. He (Mr. Taylor) knew how an innocent man could feel when persecuted and punished wrongly. If the "powers that be" could have taken his life he would not have been here to express these sentiments. They had not that power, but the Judge sat on the bench for 21 days and swelled like a crimson toad, because he could not. He (Mr. Taylor) had some consideration for the mental fibre of jurymen. However he might be disposed to give jurymen power to deal with a civil action, when it came to taking a man's life there must be absolute unanimity on the part of the jury. The Attorney General did not believe in the Bill, but was more hostile to it than he (Mr. Taylor). The hon. gentleman tried to influence the House against the measure. He had introduced one or two words which would mean debating for hours before the proposal was carried in Committee. The other afternoon the hon. gentleman read a long lecture about overloading Bills, but to-night he had done that himself. He was endeavouring to insert what the measure was never intended for. In another place it was made clear that there was no intention on the part of the supporters of the Bill for it to apply in criminal cases. Having read jurymen's decisions, and how juries allowed the Judges to deal with them, he was of opinion that juries were not alive to their powers or duties, and that they were practically under the thumb of the Judge. He had on the paper notice of an amendment which would liberalise this Bill and give to every man eligible to vote for a representative of this House the right to be on a jury.

MR. UNDERWOOD: The amendment was one he could not agree with, and as a logical conclusion he must be opposed to the Bill itself. We should do the utmost to protect the lives and liberty of the subjects of this State, and in a lesser degree we should also try to protect their property. If it was concluded that the safest way to protect life and liberty was to have a unanimous verdict, a unanimous verdict was also desirable in civil cases.

MR. H. BROWN hoped the Attorney General would withdraw the amendment. We knew the hon. gentleman was not in earnest. He would get the support of members on the Opposition side, because their principle was that a majority should rule; and five-sixths was a fair majority. He hoped members who on other occasions had followed the hon. gentleman like sheep would on this occasion accept the Bill as printed.

MR. SCADDAN: The Attorney General was not serious in the amendment, but only desired to put some obstacle in the way of passing the Bill. We should protect our jury system. It was time we took in hand the number of disagreements between jurymen in this and other States. The legal profession aimed more at a disagreement than at obtaining a verdict, it being part of their trade to get another trial. He did not agree with the member for Mount Margaret in taking exception to the remarks made by a Judge of our Supreme Court recently. The effect of those remarks was clearly shown by the jury quickly coming to an agreement. If Judges made it a hard and fast rule that once a jury heard the evidence they should not leave the jury room until they came to an agreement, we would have less disagreements and more justice than we had to-day. Jurymen were inclined to sit hard and fast to bring about disagreements. We should have a unanimous verdict in criminal cases, and if juries sat until they came to an agreement he would advocate a unanimous verdict in civil cases also; but where we had so many disagreements in civil cases, we should have a ten-twelfths or five-sixths majority.

MR. TAYLOR: No jury should be forced into giving a decision. Even if the Judge believed the accused were innocent, if he tried to browbeat the jury to his way of thinking, it was not justified. The Judge practically said to a jury in a recent case that as two of the jurymen were not in accord with the others, he insisted on the others bringing influence and pressure to bear on them.

THE CHAIRMAN: The hon. member must not proceed. Except on a substantive motion, he would be out of order in reflecting on a Judge of the Supreme Court.

MR. TAYLOR: Was he not in order in pointing out how juries did their work?

THE CHAIRMAN: Quite in order, so long as a special case was not cited, as the hon. member was now doing.

MR. TAYLOR: There was no desire to reflect upon the Judge. If the Judge's words reflected on his character, it was not his (Mr. Taylor's) fault. He would read what the Judge said.

THE CHAIRMAN: That was a quibble. The hon. member must not read any newspaper report that reflected on a Judge of the Court, except on a substantive motion.

MR. TAYLOR: It was not his desire to reflect on the learned gentleman. It was his desire to point out what a certain Judge did, and the possibilities that might arise.

THE CHAIRMAN: The hon. member, in suggesting a certain Judge, was out of order.

MR. TAYLOR: Assuming there were a Judge and a jury, and that two jurymen were not in accord with the others, and assuming that it was not an Australian Judge, and that the Judge was not long from England, and assuming that it was a Judge trained in the law in an English country——

THE CHAIRMAN: The hon. member was out of order. He was plainly reflecting on a Judge of the Supreme Court.

THE TREASURER: The hon. member should not continue.

MR. TAYLOR: Notwithstanding the promptings of Ministerial benches—what chance had a man in a court of law when he could not get a hearing in Parliament? He recognised the promptings from the Government side. It was gagging.

THE CHAIRMAN: The hon. member must withdraw. No suggestion came from the Government bench or anywhere else, nor would he take any notice of it.

MR. TAYLOR did not say that the Chairman heard or heeded the promptings. There was necessity to liberalise the Jury Act. Would he be in order in reading a report from a newspaper?

THE CHAIRMAN: Not if it reflected on a Judge.

MR. TAYLOR: Was he to understand that they were holy and sacred, and that we must not reflect on Judges?

THE CHAIRMAN: The Standing Orders were complete. If the hon. member desired to read anything that reflected on a Judge, he must move a substantive motion. That was the only limitation.

MR. TAYLOR: Could he read words expressed by the Judge when sitting on the bench?

THE CHAIRMAN: Yes, on a substantive motion, but not in an ordinary debate.

MR. TAYLOR: Not in discussing the Jury Bill? He wished to read some words uttered by a Judge of the Supreme Court in a case tried in our own country within the last fortnight. Was he not in order in reading words of advice from the learned Judge to a jury?

THE CHAIRMAN: The hon. member was perfectly in order in dealing with the question as far as it affected the jury; but the hon. member must not read or cast any reflection on a Judge of the Supreme Court or any other Judge, except on a substantive motion.

MR. TAYLOR: The learned Judge said to the jury—

> I adjourn this court and lock you up until 10.30 on Tuesday morning. You had better use your influence, if you have any, on the gentlemen of the jury who are holding out. I do not know; I do not wish to know which way the majority of you are inclined, but it seems to me that two gentlemen who are holding out are holding out for reasons of pride or obstinacy only. They can have no other possible reason. If you were seven to five, I should discharge you; but as you are ten to two the only inference is that two are wrong. With two out of twelve one way and ten the other, most people would say that two are wrong.

That was a significant sentence. It was significant advice from a Judge to a jury, and that advice should at least mould the opinions of this Committee when amending the Jury Bill.

THE CHAIRMAN: The hon. member was in order so long as he kept to the jury.

MR. TAYLOR: In face of this advice to the jury, it was incumbent on the Committee to seriously consider the amendment. Having regard to all the circumstances surrounding jury cases, and recognising how juries were packed to acquit to-day, and how they were packed to acquit to-morrow, it was absolutely necessary that this House should be careful in passing laws by which juries of that description could be empanelled. He did not believe in a Judge forming an opinion for the jury; the jury should be free. They should hear the evidence and probe it as deeply as possible. The fault he had to find with juries was that they did not take sufficient interest in the case.

THE ATTORNEY GENERAL regretted that the hon. member had made even a lame attack on any member of our judicial bench. The present occasion was not one when that matter could be discussed and put in its true light. Although he (the Attorney General) had no right to attempt to make clear the conduct of the learned Judge, he would say that it was essentially the duty of every Judge presiding on our benches to make every effort possible to secure a verdict of juries who took part in the administration of justice before him. The disagreements which we had been reminded of by the member for Ivanhoe undoubtedly constituted a regrettable feature in the administration of our law courts. Every Judge was bound to use every legitimate effort possible to secure unanimity at the hands of the jury. It was equally regrettable that the member for Ivanhoe had thought it necessary to make a gibe at the profession to which he (the Attorney General) belonged. The more one found a country steeped in want of knowledge, the more he found prejudice against the legal profession; and when we found people educated up to the standard we all hoped to attain, they had respect for that profession. We would not allow a majority to give a verdict in a criminal case. Why was that? Simply because we did not honestly believe it would be safe. We did not believe it would be safe to allow a verdict of 10 out of 12 to be the verdict of the jury. Surely if we accepted that view, we should also refuse to allow 10 men out of 12 to give a verdict in a case in which not only the whole of a man's property might be taken from him, but every atom of his character, such man being left an object of ridicule and pity for the rest of his days.

MR. SCADDAN: Outside the jury system we permitted one man to do that.

THE ATTORNEY GENERAL: Any case where the issue of fact was the predominating matter to be determined was

not tried before a Judge alone. In a libel action or on a breach of promise case, where the issue was an issue of fact, the case could not be tried by a Judge alone. He (the Attorney General) moved the amendment not because he was in favour of accepting a majority verdict in either a civil or a criminal case, for he was opposed to it, but he wanted members to seriously grasp the position.

[MR. DAGLISH took the Chair.]

THE ATTORNEY GENERAL: It was necessary to move this amendment in order that we might appreciate the really great change we were making in the jury system, if we adopted this particular clause. He did not intend to press the amendment to a division, because he could not conscientiously vote for it, holding the opinion he did that even in the most trivial case to which a jury had to address itself it would be absolutely wrong to allow a verdict to be delivered by any majority on any issue of fact to be decided upon. We desired unanimity on the part of the jury. He asked leave to withdraw the amendment.

Leave refused, members objecting.

MR. WALKER: The clause should not pass unless with the proviso that the consent of both sides was necessary to the three-fourths verdict. It was dangerous to interfere with the jury system, which had worked so admirably in all English-speaking communities. The Bill simply made it easier to secure a verdict, and the clause would possibly make it easier for justice to be defeated. The majority were not always right. If the House were a jury the Opposition would be always outvoted. Only one or two men on a jury might be capable of understanding the case and analysing the evidence. When in civil cases there were juries of four and five, appeals nearly always resulted. The clause would enable jurymen to shirk their duty. The bulk of them considered they earned their money if they listened to the case. They did not wish to be locked up, and would arrive at any verdict to get away. What the clause proposed was only one remove from a bare majority verdict. This was carrying democracy too far.

Amendment put and negatived.

MR. WALKER moved an amendment—

That the words "provided both parties agree to that course" be added to the clause.

THE ATTORNEY GENERAL: In civil actions a majority verdict could now be taken by consent. The parent Act had no provision for a verdict by consent, though consent put the verdict in order.

MR. TAYLOR: The Attorney General's acceptance of this amendment showed it would in some degree jeopardise the Bill.

MR. WALKER: No; it would allow both parties to accept a majority verdict. The desire was to make it difficult to deprive a man of liberty. There were men in the world whose characters were as dear to them as their liberties and their lives, but we gave power here to a few persons to take those characters and liberties away. To make it easy, by lessening the number, to obtain all jurymen from one clique and to have no jurors who were independent was a menace. Where the two sides were agreed, that was where both sides had confidence in the jury, everything the member desired would be granted. Where great issues were at stake, we should be careful that the rights and liberties of a person were not taken away. We should make it difficult to ruin a man. Where there was no suspicion of danger, a majority verdict was often taken. There was safety in numbers, but reduce the number and one side might get two or three friends in a clique on a jury. By the amendment we took away no privileges that obtained at present, but made it necessary that there should be 12 men to give a unanimous verdict when both parties to a cause were not in agreement.

MR. DAGLISH: The hon. member's argument represented really a criticism and attack on the jury system. The member's inference was that if there were only five-sixths of a jury in favour of one case, it was quite possible for five-sixths to be entirely wrong or a certain proportion to be wrong and the other portion to be acting dishonestly. That argument would not weigh with the Committee. If the argument was right the jury system should be abolished. The great objection

he (Mr. Daglish) had to the present system, enabling one juror to bring about a disagreement in civil cases, was that a financially weak litigant would be prevented from obtaining justice. Persons had been defeated at law because they could not pursue the action time after time after jurors had disagreed by one man standing out in a panel of 12. If a five-sixths verdict was not reliable, what was the use of retaining the jury system at all? At present the system of unanimous verdicts helped the wealthy litigant and fed with fat fees the advocates before the courts.

On motion by MR. SCADDAN, progress reported and leave given to sit again.

ON ADJOURNMENT.

THE TREASURER: I move "That the House do now adjourn."

ALL NIGHT SITTINGS, STRAIN ON *HANSARD* REPORTERS.

MR. SPEAKER: I have a communication which I think it is requisite members of the Assembly should be made acquainted with, and also through them the taxpayers of the country. The communication is as follows:—

REPORTING ALL-NIGHT SITTINGS.

To the Honourable the Speaker, Legislative Assembly.

Sir,—It becomes necessary to apply to you, as the directing head of the official staff for reporting Parliamentary Debates, to provide such additional strength as will enable the reporting and typewriting duties to be carried on through the nights as well as through the ordinary working days. The Legislative Assembly required this extraordinary work to be done last week, by sitting from Tuesday afternoon till Wednesday midnight without a break, the Legislative Council also having to be reported during two long sittings within the same period; and again in this current week the Assembly having started with an all-night sitting extending till 5 o'clock a.m.; these demands on the working strength of of reporters have reached the limit of physical endurance, and I as leader of the staff feel that it would be cruel and unreasonable to call on my colleagues to continue this excessive strain. Our staff having been formed on the basis of ordinary requirements, these having also increased greatly in recent years without increase of strength, and our number being 5 reporters as compared with 10 or 11 on the East side of Australia, it will be evident that five reporters cannot be divided into working relief parties for carrying on day and night.

I have the honour to be your servant,

EDWARD HOUGHTON.

14th November, 1906.

It would be out of place, holding the position I do, a neutral one, to make any comment farther than to say that I felt it incumbent upon me to make this information known to the Assembly; and it will perhaps be the means of calling the attention of the taxpayers of the country to the question whether they get full value for their money in oratorical effect or monetary value.

MR. WALKER: I want to know if this is a reflection on any members in this House, collectively or individually.

MR. SPEAKER: I cannot allow any debate.

MR. WALKER: We are traduced and injured without the right of reply.

MR. TAYLOR: It is scandalous.

MR. SPEAKER: I cannot allow any debate. As I have said, I express no opinion. I merely considered it incumbent upon me to read the letter, and draw the attention of members to it.

MR. WALKER: You said the taxpayers.

MR. TAYLOR: It is your duty to protect the House.

MR. SPEAKER: I have protected the House. Beyond placing the letter before the House, I have nothing to do with it. The question before the House is "That the House do now adjourn."

Question put and passed.

ADJOURNMENT.

The House adjourned accordingly at 9.46 o'clock, until the next day.